

59-5-107 Date tax due -- Extensions -- Installment payments -- Penalty on delinquencies -- Audit.

- (1) Except as provided in Subsections (2) and (3), the tax imposed by this part is due and payable on or before June 1 of the year next succeeding the calendar year when the oil or gas is:
 - (a)
 - (i) produced;
 - (ii) saved; and
 - (iii) sold; or
 - (b) transported from the field where produced.
- (2)
 - (a) Notwithstanding Subsection (1), the commission may, for good cause shown upon a written application by the taxpayer, extend the time of payment of the whole or any part of the tax for a period not to exceed six months.
 - (b) If the commission allows an extension under Subsection (2)(a), interest at the rate and in the manner prescribed in Section 59-1-402 shall be charged and added to the amount of the tax allowed the extension.
- (3)
 - (a) A taxpayer subject to this part whose total tax obligation for the current calendar year will be \$3,000 or more shall pay the taxes assessed under this part in quarterly installments as provided in Subsections (3)(b) and (4).
 - (b) For purposes of Subsection (3)(a), each quarterly installment shall be based on the estimated gross value received by the taxpayer during the quarter preceding the date on which the installment is due.
- (4) For purposes of Subsection (3), the quarterly installments are due as follows:
 - (a) for the quarter beginning on January 1 and ending on March 31, on or before June 1;
 - (b) for the quarter beginning on April 1 and ending on June 30, on or before September 1;
 - (c) for the quarter beginning on July 1 and ending on September 30, on or before December 1; and
 - (d) for the quarter beginning on October 1 and ending on December 31, on or before March 1 of the next year.
- (5)
 - (a) Subject to Subsection (5)(b) and except as provided in Subsection (6), if the tax imposed by Section 59-5-102 is not paid when due or is underpaid, the taxpayer is subject to the penalty provided under Section 59-1-401.
 - (b) For purposes of Subsection (5)(a), an underpayment exists if less than 80% of the tax due for a quarter is paid.
- (6) Notwithstanding Subsection (5)(a), the penalty for failure to pay a tax due or for underpayment of a tax may not be assessed if the taxpayer's total quarterly tax installment payments equal 25% or more of the tax reported and paid by the taxpayer for the preceding calendar year.
- (7) The commission may not add interest to any quarterly installment subject to a penalty under this section.
- (8) The commission may conduct audits to determine whether any tax is owed under this part.

Amended by Chapter 274, 2003 General Session